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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,087	11/28/2001	Dave Draper	FR920000043US1	2497
54856	7590	05/30/2006		
LOUIS PAUL HERZBERG 3 CLOVERDALE LANE MONSEY, NY 10952			EXAMINER NGUYEN, THUONG	
			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 09/996,087</p>	<p><b>Applicant(s)</b> DRAPER ET AL.</p>	
	<p><b>Examiner</b> Thuong (Tina) T. Nguyen</p>	<p><b>Art Unit</b> 2155</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

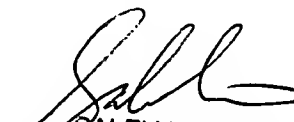
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 1-20.  
Claim(s) withdrawn from consideration: None.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☒ Other: See Continuation Sheet.

  
**SALEH NAJJAR**  
**SUPERVISORY PATENT EXAMINER**

## Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is not persuasive and, therefore, the finality of that action is maintained. In response to applicant's arguments, the recitation wherein associating multi-lingual audio recordings with visual objects in a presentation system accessed by the Internet network, wherein a plurality of visual objects including at least one of a charts, a slide and another presentation objects, controlled by a third party in a server can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in a particular language selected from amongst several predetermined languages, said method including the steps of has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 88 USPQ 478, 481 (CCPA 1951). To make it part of the claims, the examiner suggest the applicant to indent the preamble such as ... associating multi-lingual..., place the "method further including the steps of" to the preamble lines, put the semi colon after the "predetermined languages".
2. Applicant's arguments filed 5/16/06 have been fully considered, however they are not persuasive because of the following reasons:
3. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).
4. Applicant argues that Barry and Hirohama do not teach associating multi-lingual audio recordings with visual objects in a presentation system accessed by the Internet network, wherein a plurality of visual objects including at least one of a charts, a slide and another presentation objects, controlled by a third party in a server can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in a particular language selected from amongst several predetermined languages, said method including the steps of: calling said third party server by a user in charge of the audio recording associated with a visual object via the Public Switched Network, prompting said user on said user's telephone to enter said user's user ID; and transmitting by a keypad of said telephone said user ID including a first part defining a first language to be used for recording said audio recording, whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach associating multi-lingual audio recordings (col 1, lines 49-64; Hirohama discloses that the method of recording the multi-lingual such as Japanese, English, Germany...) with visual objects in a presentation system accessed by the Internet network, wherein a plurality of visual objects including at least one of a charts, a slide and another presentation objects (page 12, lines 12-25; Barry discloses that the method of provide the web-page as the presentation object, plus Barry has discloses the method to be utilize to provide audio for email or other applications, not to be limited by the application he discloses in his invention), controlled by a third party (page 4, lines 28-31; Barry discloses the method of letting the third party to control or process the whole application in the background) in a server can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in a particular language selected from amongst several predetermined languages (col 2, lines 45-53; Hirohama discloses that the method of associating the specified audio recorded language to appropriate terminal unit), said method including the steps of: calling said third party server by a user in charge of the audio recording associated with a visual object via the Public Switched Network (figure 1 & figure 3B; page 1, lines 12-25; page 3, lines 31 – page 4, lines 2; page 10, lines 30-32; Barry discloses that the method of using the switch telephone network for recording the audio message which also generate the corresponding web-page for that particular message through the third party such as affiliate), prompting said user on said user's telephone to enter said user's user ID (page 2, lines 29-33; page 7, lines 10; page 8, lines 31-34; Barry discloses the method of prompts the caller for an access code, PIN and button number and verifies the entered information); and transmitting by a keypad of said telephone said user ID discloses that the method of including a first part defining a first language to be used for recording said audio recording (col 3, lines 42-46; Hirohama discloses that the method of identifying the code for the corresponding language to be listen or recorded), whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording (page 2, lines 15-23; page 10, lines 9-15; Barry discloses that the method of generating the identification code which associated the message and the web-page, each associated with a different audio message).
5. Applicant argues that Barry and Hirohama do not teach step of entering a number assigned to said visual object associated with said audio recording by the user at said telephone after said user has transmitted said user ID. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach step of entering a number assigned to said visual object associated with said audio recording by the user at said telephone after said user has transmitted said user ID (page 4, lines 32 – page 5, lines 7; Barry discloses that the method of placing the corresponding audio message with the web-page by accessing telephone server after entered the access code, a PIN number).
6. Applicant argues that Barry and Hirohama do not teach the step of transmitting a password by the user at said telephone after this one has transmitted said user ID. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach the step of transmitting a password by the user at said telephone after this one has transmitted said user ID (figure 4A; page 9, lines 27-33; Barry discloses that the method of transmitting the email as the password, and the access code and the PIN).
7. Applicant argues that Barry and Hirohama do not teach user ID includes a second part defining a directory name wherein the file containing said audio recording is stored. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach user ID includes a second part defining a directory name wherein the file containing said audio recording is

stored (col 2, lines 34-39; Hirohama discloses that the method of identified the particular code transmitting to the unit in a particular guide area transmit particular identification code address information).

8. Applicant argues that Barry and Hirohama do not teach the step of generating by said third party server a first file name including said directory name and a code defining said first language when ID is received by said third party server. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach the step of generating by said third party server (page 4, lines 28-31; Barry discloses the method of letting the third party to control or process the whole application in the background) a first file name including said directory name and a code defining said first language when ID is received by said third party server (col 3, lines 20-23; Hirohama discloses that the method of specified the appropriate recorded language for the associate address or booth).

9. Applicant argues that Barry and Hirohama do not teach audio recording in said first language is stored in a data base by using said first file name. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach audio recording in said first language is stored in a data base by using said first file name (col 2, lines 13-20; Hirohama discloses that a method provided with a storage means for storing specific pieces of guide information for more than one languages).

10. Applicant argues that Barry and Hirohama do not teach the steps of transmitting from said telephone another ID containing a first part defining a second language to be used for recording said audio recording and a second part defining said directory name, and generating by said third party server another file name including said directory name and a code defining said second language. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach the steps of transmitting from said telephone another ID containing a first part defining a second language to be used for recording said audio recording and a second part defining said directory name, and generating by said third party server (page 4, lines 28-31; Barry discloses the method of letting the third party to control or process the whole application in the background) another file name including said directory name and a code defining said second language (col 3, lines 1-28; Hirohama discloses that a method which identify the transmitting code for storage unit corresponding to the pre-selected language).

11. Applicant argues that Barry and Freishtat do not teach the step of copying said audio recording corresponding to said first file name from said data base to a directory at said directory name, said step of copying being activated by the user at said telephone. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Freishtat do teach the step of copying said audio recording corresponding to said first file name from said data base to a directory at said directory name, said step of copying being activated by the user at said telephone (col 5, lines 5-10; Freishtat discloses that a method which copying and editing the subroutines of audio recorded messages).

12. Applicant argues that Barry and Hirohama do not teach the file containing said audio recording includes a flag which is set when said audio recording is recorded for the first time or changed and which is reset when said file is copied from said data base to said directory. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach the file containing said audio recording includes a flag which is set when said audio recording is recorded for the first time or changed and which is reset when said file is copied from said data base to said directory (page 5, lines 4-7; page 7, lines 15-18; page 8, lines 31 – page 9, lines 7; Barry discloses that a method which identify the audio message through the web-page button that correlate to each other; Barry also discloses the method of retrieving the audio message with the associating web-page for the associated caller, which means there must be an index for that particular message with that web-page and that particular caller identified such as the unique identification associated to retrieve from database/file server).

13. Applicant argues that Barry and Hirohama do not teach a presentation system associating multi-lingual audio recordings with visual objects in a presentation system accessed by the Internet network, wherein a plurality of visual objects including at least one of a charts, a slide and another presentation objects, controlled by a third party in a server can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in a particular language selected from amongst several predetermined languages; said system comprising: a third party server including processing means for receiving a user ID from a user telephone, said user ID comprising a first part defining a first language to be used for recording said audio recording whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach associating multi-lingual audio recordings (col 1, lines 49-64; Hirohama discloses that the system of recording the multi-lingual such as Japanese, English, Germany...) with visual objects in a presentation system accessed by the Internet network, wherein a plurality of visual objects including at least one of a charts, a slide and another presentation objects (page 12, lines 12-25; Barry discloses that the system of provide the web-page as the presentation object, plus Barry has discloses the system to be utilize to provide audio for email or other applications, not to be limited by the application he discloses in his invention), controlled by a third party (page 4, lines 28-31; Barry discloses the method of letting the third party to control or process the whole application in the background) in a server can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in a particular language selected from amongst several predetermined languages (col 2, lines 45-53; Hirohama discloses that the system of associating the specified audio recorded language to appropriate terminal unit), said method including the steps of: calling said third party server by a user in charge of the audio recording associated with a visual object via the Public Switched Network (figure 1 & figure 3B; page 1, lines 12-25; page 3, lines 31 – page 4, lines 2; page 10, lines 30-32; Barry discloses that the system of using the switch telephone network for recording the audio message which also generate the corresponding web-page for that particular message through the third party such as affiliate), prompting said user on said user's telephone to enter said user's user ID (page 2, lines 29-33; page 7, lines 10; page 8, lines 31-34; Barry discloses the system of prompts the caller for an access code, PIN and button number and verifies the entered information); and transmitting by a keypad of said telephone said user ID discloses that the method of including a first part defining a first language to be used for recording said audio recording (col 3, lines 42-46; Hirohama discloses that the system of identifying the code for the corresponding language to be listen or recorded), whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording (page 2, lines 15-23; page 10, lines 9-15; Barry discloses that the system of generating the identification code which associated the message and the web-page, each associated with a different audio message).

14. Applicant argues that Barry and Hirohama do not teach third party server comprises a table for determining said language to be used for recording said audio recording from said first part in said user ID. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach third party server comprises a table for determining said language to be used for recording said audio recording from said first part in said user ID (figure 1; col 2, lines 24-31; Hirohama discloses that a system which configured the guide for languages storage information used for audio recording).

15. Applicant argues that Barry and Hirohama do not teach user ID includes a second part defining a directory name, wherein the file

containing said audio recording is stored, and further comprising a directory to store said audio recording at a location determined by said directory name. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach user ID includes a second part defining a directory name, wherein the file containing said audio recording is stored, and further comprising a directory to store said audio recording at a location determined by said directory name (col 2, lines 34-39; Hirohama discloses that the system of identified the particular code transmitting to the unit in a particular guide area transmit particular identification code address information).

16. Applicant argues that Barry and Hirohama do not teach a database wherein said file containing said audio recording is stored after being recorded. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach a database wherein said file containing said audio recording is stored after being recorded (page 4, lines 1-7; page 7, lines 24-32; Barry discloses that the system which stores the audio record in the database/file server in the telephone native format; Barry also disclose that the system of recording the audio message and storing that message in the database/file server for the playback).

17. Applicant argues that Barry and Hirohama do not teach file containing said audio recording is copied in said directory after activation of said processing means by the user at said telephone. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach file containing said audio recording is copied in said directory after activation of said processing means by the user at said telephone (figure 4A, 3A, 3C & 3D; page 5, lines 4-7; Barry discloses that a system which retrieve the audio message from the database/file server by clicking the corresponding button; Barry also discloses that the system of using the telephone system for recording the audio message which would associated with the web-page).

18. Applicant argues that Barry and Hirohama do not teach means for associating multi-lingual audio recordings with visual objects in a presentation system accessed by the Internet network, wherein a plurality of visual objects including at least one of a charts, a slide and another presentation objects, controlled by a third party in a server can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in a particular language selected from amongst several predetermined languages, said means for associating including: means for calling said third party server by a user in charge of the audio recording associated with a visual object via the Public Switched Network, means for prompting said user on said user's telephone to enter said user's user ID; and means for transmitting by a keypad of said telephone said user ID including a first part defining a first language to be used for recording said audio recording, whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach associating multi-lingual audio recordings (col 1, lines 49-64; Hirohama discloses that the apparatus of recording the multi-lingual such as Japanese, English, Germany...) with visual objects in a presentation system accessed by the Internet network, wherein a plurality of visual objects including at least one of a charts, a slide and another presentation objects (page 12, lines 12-25; Barry discloses that the apparatus of provide the web-page as the presentation object, plus Barry has discloses the apparatus to be utilize to provide audio for email or other applications, not to be limited by the application he discloses in his invention), controlled by a third party (page 4, lines 28-31; Barry discloses the apparatus of letting the third party to control or process the whole application in the background) in a server can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in a particular language selected from amongst several predetermined languages (col 2, lines 45-53; Hirohama discloses that the apparatus of associating the specified audio recorded language to appropriate terminal unit), said method including the steps of: calling said third party server by a user in charge of the audio recording associated with a visual object via the Public Switched Network (figure 1 & figure 3B; page 1, lines 12-25; page 3, lines 31 – page 4, lines 2; page 10, lines 30-32; Barry discloses that the apparatus of using the switch telephone network for recording the audio message which also generate the corresponding web-page for that particular message through the third party such as affiliate), prompting said user on said user's telephone to enter said user's user ID (page 2, lines 29-33; page 7, lines 10; page 8, lines 31-34; Barry discloses the apparatus of prompts the caller for an access code, PIN and button number and verifies the entered information); and transmitting by a keypad of said telephone said user ID discloses that the method of including a first part defining a first language to be used for recording said audio recording (col 3, lines 42-46; Hirohama discloses that the apparatus of identifying the code for the corresponding language to be listen or recorded), whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording (page 2, lines 15-23; page 10, lines 9-15; Barry discloses that the apparatus of generating the identification code which associated the message and the web-page, each associated with a different audio message).

19. Applicant argues that Barry and Hirohama do not teach means for entering a number assigned to said visual object associated with said audio recording by the user at said telephone after said user has transmitted said user ID. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach means for entering a number assigned to said visual object associated with said audio recording by the user at said telephone after said user has transmitted said user ID (page 10, lines 12-15; Barry discloses that a apparatus which display the HTML code places on the button web-pages which associated with corresponding audio message).

20. Applicant argues that Barry and Hirohama do not teach means for transmitting a password by the user at said telephone after this one has transmitted said user ID. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach means for transmitting a password by the user at said telephone after this one has transmitted said user ID (figure 4A; page 9, lines 27-33; Barry discloses that the apparatus of transmitting the email as the password, and the access code and the PIN).

21. Applicant argues that Barry and Hirohama do not teach means for generating by said third party server a first file name including said directory name and a code defining said first language when ID is received by said third party server. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach means for generating by said third party server (page 4, lines 28-31; Barry discloses the apparatus of letting the third party to control or process the whole application in the background) a first file name including said directory name and a code defining said first language when ID is received by said third party server (col 3, lines 1-28; Hirohama discloses that a apparatus which identify the transmitting code for storage unit corresponding to the pre-selected language).

22. Applicant argues that Barry and Hirohama do not teach a computer usable medium having computer readable program code means embodied therein for causing association of multi-lingual audio recordings with visual objects. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach a computer usable medium having computer readable program code means embodied therein for causing association of multi-lingual audio recordings with visual objects (col 4, lines 1-15; Hirohama discloses that a method which provided the selected booths with the corresponding languages) (page 12, lines 12-25; Barry discloses that the method of provide the web-page as the presentation object, plus Barry has discloses the method to be utilize to provide audio for email or other applications, not to be limited by the application he discloses in his invention).

23. Applicant argues that Barry and Hirohama do not teach a computer usable medium having computer readable program code means embodied therein for causing a presentation system accessed by the Internet network. In response to Applicant's argument, the Patent Office maintains the rejection because Barry and Hirohama do teach a computer usable medium having computer readable program code means embodied therein for causing a presentation system accessed by the Internet network (col 4, lines 1-15; Hirohama discloses that a system which provided the selected booths with the corresponding languages) (page 12, lines 12-25; Barry discloses that the system of provide the web-page as the presentation object, plus Barry has discloses the system to be utilize to provide audio for email or other applications, not to be limited by the application he discloses in his invention).

24. For the clarification, Barry discloses the invention; a web-page audio message system includes a telephone server. The web server retrieves user information and stores that information in the database/file server. The database server generates a user identification to uniquely identify the user to the system, while the web server provides computer code to enable the user for the associate audio-recorded message with that particular web page. Hirohama invention is for selecting the recorded pre-determined multi-lingual for the associate booth or address.